

**U.S. District Court
District of South Carolina (Anderson/Greenwood)
CIVIL DOCKET FOR CASE #: 8:16-cv-02688-BHH**

West et al v. LivaNova PLC et al
Assigned to: Honorable Bruce Howe Hendricks
related Cases: 3:17-cv-00218-BHH
6:17-cv-01060-BHH
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/29/2016
Date Terminated: 02/02/2018
Jury Demand: Both
Nature of Suit: 367 Personal Injury: Health
Care/Pharmaceutical Personal Injury Product
Liability
Jurisdiction: Diversity

Plaintiff

Phillip Lamar West
Individually, and as Husband and Wife

represented by **J Stephen Welch**
McGowan Hood and Felder
1501 N Fant Street
Anderson, SC 29621
864-225-6228
Email: swelch@mcgowanhood.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Karen Austin
Individually, and as Husband and Wife

represented by **J Stephen Welch**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

LivaNova PLC
TERMINATED: 09/28/2016

Defendant

Sorin Group Deutschland GMBH

represented by **Burl Franklin Williams**
Nexsen Pruet (Gville)
PO Box 10648
Greenville, SC 29603
864-282-1165
Fax: 864-477-2633
Email: bwilliams@nexsenpruet.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara Sofia Svedberg
Nexsen Pruet (Cola)
1230 Main Street
Suite 700

Columbia, SC 29201
803-771-8900
Email: ssvedberg@nexsenpruet.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Pedrick McWilliams
Nexsen Pruet Jacobs and Pollard
PO Drawer 2426
Columbia, SC 29202
803-253-8221
Fax: 803-253-8277
Email: smcwilliams@nexsenpruet.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adrienne Franco Busby
Faegre Baker Daniels LLP
300 N Meridian Street
Suite 2700
Indianapolis, IN 46204
317-237-0300
Fax: 317-237-1000
Email: adrienne.busby@faegreBD.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christin Jaye Eaton
Faegre Baker Daniels LLP
90 South 7th Street
Suite 2200
Minneapolis, MN 55402
612-766-7000
Fax: 612-766-1600
Email: christin.garcia@faegrebd.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Linda Susan Svitak
Faegre Baker Daniels LLP
90 South 7th Street
Suite 2200
Minneapolis, MN 55402
612-766-7000
Fax: 612-766-1600
Email: linda.svitak@faegrebd.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Sorin Group USA Inc

represented by **Burl Franklin Williams**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara Sofia Svedberg

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Susan Pedrick McWilliams**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Adrienne Franco Busby**

(See above for address)

*PRO HAC VICE**ATTORNEY TO BE NOTICED***Christin Jaye Eaton**

(See above for address)

*PRO HAC VICE**ATTORNEY TO BE NOTICED***Linda Susan Svitak**

(See above for address)

*PRO HAC VICE**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/29/2016	<u>1</u>	COMPLAINT against LivaNova PLC, Sorin Group Deutschland GMBH, Sorin Group USA Inc (Filing fee \$ 400 receipt number 0420-6681819.), filed by Phillip Lamar West, Karen Austin. Service due by 10/31/2016 (Attachments: # <u>1</u> Exhibit FDA Letter Determination of Approval, # <u>2</u> Exhibit Letter from GHS to patients, # <u>3</u> Exhibit SC DHEC letter, # <u>4</u> Exhibit FDA recall information, # <u>5</u> Exhibit Field Safety Notice Letter 1, # <u>6</u> Exhibit Field Safety Notice Letter 2, # <u>7</u> Exhibit Warning Letter)(abuc) (Entered: 08/01/2016)
07/29/2016	<u>3</u>	Local Rule 26.01 Answers to Interrogatories by Karen Austin, Phillip Lamar West.(abuc) (Entered: 08/01/2016)
08/01/2016	<u>4</u>	Summons Issued as to LivaNova PLC, Sorin Group Deutschland GMBH, Sorin Group USA Inc. (abuc) (Entered: 08/01/2016)
09/06/2016	<u>7</u>	SUMMONS Returned Executed by Phillip Lamar West, Karen Austin. Sorin Group USA Inc served on 8/31/2016, answer due 9/21/2016 (Welch, J) (Main Document 7 replaced on 9/9/2016) (alew,). (Additional attachment(s) added on 9/9/2016: # <u>1</u> Affidavit of Service) (alew,). Modified on 9/9/2016 to correct filing date, to replace with corrected documents provided by filing user(alew,) (Entered: 09/09/2016)
09/09/2016	<u>8</u>	DELETION OF DOCKET ENTRY NUMBER 5 Reason: attorney refiled to make correction. Corrected Filing Document Number <u>7</u> . Modified filing date to that of original filing: 9/6/16 (alew,) (Entered: 09/09/2016)
09/23/2016	<u>10</u>	SUMMONS Returned Executed by Phillip Lamar West, Karen Austin. (Attachments: # <u>1</u> Certificate of Service)(Welch, J) (Entered: 09/23/2016)
09/23/2016	<u>11</u>	

		DELETION OF DOCKET ENTRY NUMBER 9 Reason: Refiled by filing attorney to correct entry. Corrected Filing Document Number <u>10</u> Modified filing date to that of original filing: 9/23/2016 Response due date modified to that of original filing: answer due 10/6/2016 (abuc) (Entered: 09/26/2016)
09/28/2016	<u>12</u>	AMENDED COMPLAINT against Sorin Group Deutschland GMBH, Sorin Group USA Inc, filed by Phillip Lamar West, Karen Austin. Service due by 1/2/2017 (Attachments: # <u>1</u> Exhibit FDA letter, # <u>2</u> Exhibit GHS letter, # <u>3</u> Exhibit SC DHEC letter, # <u>4</u> Exhibit FDA recall information, # <u>5</u> Exhibit Field Safety Notice letter 1, # <u>6</u> Exhibit Field Safety Notice letter 2, # <u>7</u> Exhibit Warning letter) (Welch, J) (Entered: 09/28/2016)
10/12/2016	<u>14</u>	ANSWER to <u>12</u> Amended Complaint, by Sorin Group Deutschland GMBH, Sorin Group USA Inc.(McWilliams, Susan) (Entered: 10/12/2016)
10/12/2016	<u>15</u>	Local Rule 26.01 Answers to Interrogatories by Sorin Group Deutschland GMBH.(McWilliams, Susan) (Entered: 10/12/2016)
10/12/2016	<u>16</u>	Local Rule 26.01 Answers to Interrogatories by Sorin Group USA Inc.(McWilliams, Susan) (Entered: 10/12/2016)
10/12/2016	<u>18</u>	CONFERENCE AND SCHEDULING ORDER Rule 26(f) Conference Deadline 11/1/2016, 26(a) Initial Disclosures due by 11/15/2016, Rule 26 Report due by 11/15/2016, Motions to Amend Pleadings due by 12/12/2016, Plaintiffs ID of Expert Witness due by 1/10/2017, Defendants ID of Expert Witnesses Due by 2/9/2017, Records Custodian Affidavit due by 2/9/2017, Discovery due by 4/10/2017, Motion in Limine due by 7/12/2017, Motions due by 4/25/2017, Rule 26(a)(3) Disclosures due by 7/10/2017, Jury Selection Deadline 8/2/2017, Mediation Due by 6/26/2017. Signed by Honorable Mary Geiger Lewis on 10/12/2016. (abuc) Modified to edit text on 10/12/2016 (abuc). (Entered: 10/12/2016)
10/12/2016	<u>19</u>	MEDIATION ORDER Mediation Due by 6/26/2017, Signed by Honorable Mary Geiger Lewis on 10/12/2016. (abuc) (Entered: 10/12/2016)
10/27/2016	<u>20</u>	AMENDED ANSWER to <u>12</u> Amended Complaint, by Sorin Group Deutschland GMBH, Sorin Group USA Inc. (McWilliams, Susan) (Entered: 10/27/2016)
10/31/2016	<u>21</u>	Joint MOTION to Extend Rule 26(F) Reporting Requirements and to Coordinate Pre-Trial Discovery re <u>18</u> Scheduling Order,, by Sorin Group Deutschland GMBH, Sorin Group USA Inc. Response to Motion due by 11/17/2016. Proposed order is being emailed to chambers with copy to opposing counsel.(McWilliams, Susan) (Entered: 10/31/2016)
11/01/2016	<u>22</u>	Case Reassigned to Judge Bruce Howe Hendricks. Judge Mary Geiger Lewis no longer assigned to the case. (suro,) (Entered: 11/01/2016)
11/01/2016	<u>23</u>	TEXT ORDER granting <u>21</u> Motion to Extend Rule 26(F) Reporting Requirements and to Coordinate Pre-Trial Discovery. Deadline extended up to and including 1/9/2017. Signed by Honorable Bruce Howe Hendricks on 11/1/16.(alew,) Modified on 11/1/2016 to edit text (alew,). (Entered: 11/01/2016)
01/09/2017	<u>26</u>	Joint Rule 26(f) Report by Sorin Group Deutschland GMBH, Sorin Group USA Inc.(McWilliams, Susan) (Entered: 01/09/2017)
01/09/2017	<u>27</u>	<i>Local Civil Rule 26.03 Disclosures and Rule 26 Outline of Discovery Plan</i> by Sorin Group Deutschland GMBH, Sorin Group USA Inc.(McWilliams, Susan) (Entered: 01/09/2017)
01/11/2017	<u>29</u>	Local Rule 26.03 Answers to Interrogatories and Proposed Discovery Plan by Karen Austin, Phillip Lamar West. Refiled by clerk to correct event type(alew,) (Entered: 01/12/2017)
01/20/2017	<u>30</u>	

CONSOLIDATED CONSENT AMENDED SCHEDULING ORDER: Motions to Amend Pleadings due by 9/1/2017, Plaintiffs ID of Expert Witness due by 2/12/2018, Defendants ID of Expert Witnesses Due by 3/26/2018, Records Custodian Affidavit due by 6/1/2018, Fact Discovery due by 1/8/2018, Expert Discovery due by 5/7/2018, Motions due by 7/2/2018, Jury Selection Deadline 9/1/2018, Mediation Due by 6/1/2018. Signed by Honorable Bruce Howe Hendricks on 1/20/17. (alew,) (Entered: 01/20/2017)

02/02/2017	<u>32</u>	Joint MOTION for Confidentiality Order by Sorin Group Deutschland GMBH, Sorin Group USA Inc. Response to Motion due by 2/16/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit A: Proposed Confidentiality Order)Proposed order is being emailed to chambers with copy to opposing counsel.(McWilliams, Susan) (Entered: 02/02/2017)
02/06/2017	<u>34</u>	ORDER granting <u>32</u> Motion for Confidentiality Order. Signed by Honorable Bruce Howe Hendricks on 2/6/17.(alew,) (Entered: 02/06/2017)
02/20/2017	<u>35</u>	MOTION to Appear Pro Hac Vice by Adrienne Franco Busby (Filing fee \$ 250 receipt number 0420-7009019) by Sorin Group Deutschland GMBH, Sorin Group USA Inc. Response to Motion due by 3/6/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Affidavit /Application for Pro Hac Vice Admission, # <u>2</u> Exhibit A – Consolidated List of Cases in this Court, # <u>3</u> Exhibit B – Certificate of Good Standing)No proposed order.(McWilliams, Susan) (Entered: 02/20/2017)
02/20/2017	<u>36</u>	MOTION to Appear Pro Hac Vice by Christin JayeEaton Garcia (Filing fee \$ 250 receipt number 0420-7009020) by Sorin Group Deutschland GMBH, Sorin Group USA Inc. Response to Motion due by 3/6/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Affidavit /Application for Pro Hac Vice Admission, # <u>2</u> Exhibit A – Certificate of Good Standing)No proposed order.(McWilliams, Susan) (Entered: 02/20/2017)
02/20/2017	<u>37</u>	MOTION to Appear Pro Hac Vice by Linda S. Svitak (Filing fee \$ 250 receipt number 0420-7009022) by Sorin Group Deutschland GMBH, Sorin Group USA Inc. Response to Motion due by 3/6/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Affidavit /Application for Pro Hac Vice Admission, # <u>2</u> Exhibit A – Certificate of Good Standing)No proposed order.(McWilliams, Susan) (Entered: 02/20/2017)
02/21/2017	<u>38</u>	TEXT ORDER granting <u>36</u> Motion to Appear Pro Hac Vice.; granting <u>37</u> Motion to Appear Pro Hac Vice as to Linda Svitak, Christin Garcia for the defendants. Signed by Honorable Bruce Howe Hendricks on 2/21/17.(alew,) (Entered: 02/21/2017)
02/22/2017	<u>39</u>	TEXT ORDER granting <u>35</u> Motion to Appear Pro Hac Vice as to Adrienne Busby for the defendants. Signed by Honorable Bruce Howe Hendricks on 2/22/17.(alew,) (Entered: 02/22/2017)
04/05/2017	<u>40</u>	ORDER DENYING TRANSFER. Signed by Unassigned – MDL on 4/5/17. (alew,) (Entered: 04/07/2017)
11/29/2017	<u>41</u>	Joint MOTION to Stay <i>Pending MDL Transfer Decision</i> by Sorin Group Deutschland GMBH, Sorin Group USA Inc. Response to Motion due by 12/13/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit A: MEMORANDUM IN SUPPORT OF MOTION TO TRANSFER AND CONSOLIDATION UNDER 28 U.S.C. § 1407, # <u>2</u> Exhibit B: AMENDED SCHEDULE OF ACTIONS, # <u>3</u> Exhibit C: RESPONSE IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER AND CONSOLIDATION UNDER 28 U.S.C. § 1407)Proposed order is being emailed to chambers with copy to opposing counsel.(McWilliams, Susan) (Entered: 11/29/2017)

11/30/2017	<u>42</u>	ORDER granting (41) Motion to Stay in case 8:16-cv-02688-BHH; granting (29) Motion to Stay in case 6:17-cv-01060-BHH. Signed by Honorable Bruce Howe Hendricks on 11/30/17. Associated Cases: 8:16-cv-02688-BHH, 6:17-cv-01060-BHH(alew,) (Entered: 11/30/2017)
02/02/2018	<u>43</u>	Case transferred to Middle District of Pennsylvania per certified copy of Conditional Transfer Order Number 11. The Transferring Clerk's Office hereby attests the record and the docket sheet available through CM/ECF to be the certified list. Associated Cases: 6:17-cv-01060-BHH, 8:16-cv-02688-BHH(alew,) (Entered: 02/05/2018)